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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,764	10/09/2001	Harry Dwyer	Dwyer 5-13	9496
47386	7590	03/16/2009	EXAMINER	
RYAN, MASON & LEWIS, LLP			LANE, JOHN A	
1300 POST ROAD				
SUITE 205			ART UNIT	PAPER NUMBER
FAIRFIELD, CT 06824			2185	
			MAIL DATE	DELIVERY MODE
			03/16/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* HARRY DWYER AND  
JOHN SUSANTHA FERNANDO

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Application No. 09/975,764  
Technology Center 2185

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Mailed: March 16, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
*LOWE, Review Team Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 24, 2007. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

**PRIOR ORDER FOR RETURN**

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on July 23, 2007 wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention prior to docketing are identified below.

There is no proper indication on the record that an Appeal conference was held for the Examiner’s Answer mailed December 4, 2006. In accordance with MPEP 1208 regarding appeal conferences:

On the examiner’s answer, below the primary examiner’s signature, the word “conferees” should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) have the Examiner’s Answer rescanned with the appropriate signatures; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DAL/

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